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FILED
FEB 19 1999
CLERK OF COURT
BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	2:98CR 278S
	:	
vs.	:	
	:	ORDER
ROBERT G. WEEKS and	:	
DAVID A. HESTERMAN,	:	
	:	
Defendants.	:	

On January 20, 1999, a hearing was held in the above captioned case. The United States was represented by Assistant U.S. Attorney Stewart C. Walz and Special Assistant U.S. Attorney Leslie J. Hendrickson; the defendant Robert Weeks was represented by James Barber, and the defendant David Hesterman was represented by Max Wheeler. The hearing was on the motion of the United States for a the issuance of a letter rogatory to the government of Chile.

Based upon the motion of the United States, the representations at the hearing, and the record of the case, and good cause appearing,

IT IS HEREBY ORDERED:

1. That the United States and the defendants pursue the possibility of deposing both witnesses for the government and witnesses for the defense through consular depositions.


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2. That the letter rogatory requested by the United States not be executed unless and until the United States submits a modified request to the Court, with the approval of the defendants as to form.

3. That the trial of this case is continued from the date of the filing of the motion by the United States until the completion of the foreign evidence gathering. The period of delay is excluded pursuant to 18 U.S.C. § 3161(h)(8)(A) & (B) and (9), from the time within which trial of this case must commence pursuant to 18 U.S.C. § 3161. Specifically, the Court finds by a preponderance of the evidence that the United States will make an official request for evidence of the offenses under indictment and that the evidence is in Chile. The bases of these findings are the motion of the United States for the letter rogatory and the lack of objection by either defendant. The Court also finds that the request to be made for consular depositions is preferable to a letter rogatory based upon the representations of the United States made in Court on the date of the hearing.

DATED this 15th day of February, 1999.

BY THE COURT:



DAVID SAM, Judge
United States District Court

hom

United States District Court
for the
District of Utah
February 22, 1999

* * MAILING CERTIFICATE OF CLERK * *

Re: 2:98-cr-00278

True and correct copies of the attached were mailed by the clerk to the following:

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